

AMENDED IN SENATE FEBRUARY 22, 2006

AMENDED IN SENATE FEBRUARY 17, 2006

AMENDED IN SENATE JUNE 8, 2005

AMENDED IN ASSEMBLY MAY 4, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 245

Introduced by Assembly Member Berg
(Coauthor: Senator Aanestad)

February 7, 2005

An act to add Section 32100.3 to the Health and Safety Code, relating to health care districts, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 245, as amended, Berg. Trinity County Health Care District: election of board members.

Existing law provides for the formation and administration of hospital districts including provisions relating to financing through assessments and bond issuance, ~~and~~ the appointment of the governing board, *and* setting forth the powers of the board, including, but not limited to, the power to enter into contract for equipping, staffing and operating hospitals.

This bill would, notwithstanding those provisions, require election at large of the board of directors of a health care district formed in the County of Trinity, would set the terms of those members, and would provide for the filling of vacancies.

This bill would make certain findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: ~~yes~~ no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 32100.3 is added to the Health and
2 Safety Code, to read:

3 32100.3. (a) Notwithstanding Section 32100, the members of
4 the first board of directors of a health care district formed, *after*
5 *the effective date of the act that added this section*, in the County
6 of Trinity shall be elected at large.

7 (b) At their first meeting, the members of the directors shall
8 classify themselves by lot into two classes. One class shall have
9 three members and the other class shall have two members. For
10 the class that has three members, the initial term of office shall be
11 four years. For the class that has two members, the initial term of
12 office shall be two years. Thereafter, the term of office of all
13 members shall be four years.

14 (c) Any vacancies in the office of a member elected to the
15 board of directors shall be filled pursuant to Section 1780 of the
16 Government Code.

17 SEC. 2. (a) Due to the unique circumstances concerning the
18 County of Trinity, it is necessary that a hospital district board
19 members be elected through a direct election in that county, and
20 the Legislature finds and declares that a general statute cannot be
21 made applicable within the meaning of Section 16 of Article IV
22 of the California Constitution.

23 (b) The Legislature finds and declares that, in 2004, the
24 County of Trinity faced severe fiscal problems with the
25 continued operation of the Trinity Hospital. The Legislature
26 responded by enacting Chapter 930 of the Statutes of 2004 to
27 allow the Trinity Public Utility District to exercise the powers of
28 a health care district. Since then, local residents and officials
29 have proposed the formation of a new health care district in the
30 County of Trinity that would have a directly elected board of

1 directors. Because the Local Health Care District Law (Division
2 23 (commencing with Section 32000)) of the Health and Safety
3 Code, does not permit the initial board of directors of a newly
4 formed health care district to be directly elected, it is necessary
5 for the Legislature to enact a special act which allows for the
6 direct election of that board of directors.

7 SEC. 3. This act is an urgency statute necessary for the
8 immediate preservation of the public peace, health, or safety
9 within the meaning of Article IV of the Constitution and shall go
10 into immediate effect. The facts constituting the necessity are:

11 The potential financial and instructional collapse of the Trinity
12 Hospital poses a serious threat to the public health and safety of
13 the residents of Trinity County. An election to form a new health
14 care district in the County of Trinity may be held in November
15 2006. The newly formed health care district would assume the
16 responsibility for the Trinity Hospital to protect Trinity County's
17 residents' public health and safety. In order to allow local voters
18 to directly elect the health care district's initial board of directors
19 at the earliest possible time it is necessary that this act take effect
20 immediately.